Supreme Court, U.S.
MAR 09 1993
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No. 92-1083

In the

Supreme Court of the United States.

OCTOBER TERM, 1992.

ZIBA BENNETT PHELPS III, PRO-SE
PETITIONER,

v.

SOVRAN BANK, N.A.
Leesburg, Virginia
(NOW NATIONS BANK)
OF COUNSEL HENRY COUNTS, JR.
RESPONDENT.

Brief in Opposition the United States Court of Appeals for the Fourth Circuit.

Brief in Opposition

A. HENRY COUNTS, JR.
100 South Royal St.
Alexandria, VA 22314

March 12, 1993

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1992

ZIBA BENNETT PHELPS III, Pro-Se	)	
Petitioner	)	
	)	
v.	)	CASE NO. 92-1083
	)	
SOVRAN BANK, N.A.	)	
Leesburg, Virginia	)	
(Now Nations Bank)	)	
Respondent	)	

RESPONSE

QUESTION PRESENTED

When a default judgment is entered by a state court, after which the defendant files a late answer admitting oweing the debt, is any section of the Constitution of the United States violated?

STATEMENT OF THE CASE

In 1983 Petitioner was sued in the State Court of Virginia; the Circuit Court of Loudoun County. He subsequently filed in bankruptcy protection under Chapter 13 and as a result part of the judgment was paid. The Chapter 13 was then dismissed. Mr. Phelps has filed numerous Pro-se Appeals - all denied.

Mr. Phelps has claimed that his wife has been kidnapped and that he is an heir to a railroad. Respondent has no way to determine what relevance these matters have. Petitioner has never produced any evidence that Respondent

holds any of his money. The charges of conspiracy are matters unknown to the Respondent. Mr. Phelps has never requested the amount due from Counsel, which is $20,343.57.

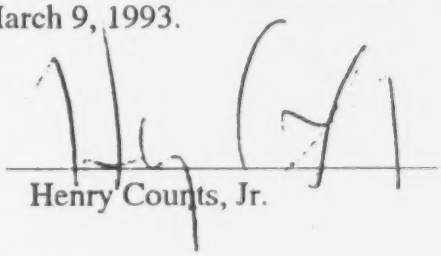
WHEREFORE, respondent prays that the petition for Writ of Certiorari be denied.

Henry Counts, Jr.
100 South Royal Street
Alexandria, Virginia 22314
Virginia Bar No. 4656
Counsel for Respondent

Sovran Bank, N.A.
(Now Nations Bank)
By Counsel

of Counsel:
Hall, Mohahan, Engle,
Mahan & Mitchell
Box 390
Leesburg, Virginia 22075

I certify that a true and correct copy of this pleading was mailed to Ziba Bennett Phelps III, Aspen Hill Farms, RT 3, Front Royal, Virginia on March 9, 1993.



Henry Counts, Jr.